Supreme Court, U.S.
FILED
04171 0 MAY 2 0 2005
OFFICE OF THE CLERK

No. _____

In The
Supreme Court of the United States

In re: Eileen Vey

MANDAMUS/PROHIBITION

PETITION FOR AN EXTRAORDINARY WRIT

EILEEN VEY
804 Cedar Avenue
Pittsburgh PA 15212
(412) 322-3131

QUESTION PRESENTED

I.

IS IT THE U.S. SUPREME COURT'S LEGAL OBLIGATION TO INTERVENE IN A 20-YEAR STATE CASE WHEN IT APPEARS THE PETITIONER IS BEING DENIED HER U.S. CONSTITUTIONAL RIGHTS.

PARTIES INVOLVED

The petitioner, Eileen Vey, believes that the official respondents to be served in this case are Judge Novak of Allegheny County Court of Common Pleas, the PA Attorney General and the Allegheny County D.A.

In The
UNITED STATES SUPREME COURT
America

In re: Eileen Vey

PETITION FOR AN EXTRAORDINARY WRIT

The petitioner, Eileen Vey, requests this Court grant this Extraordinary Writ involving a 20-year state case in which there appears to be a conspiracy to deprive petitioner of her U.S. Constitutional relief rights to clear her name of charges.

REPORTS AND OPINIONS

As has been noted for twenty (20) years, the petitioner has been unable to receive justice in this Pennsylvania state case in which she has repeatedly shown legal premise for such requested relief.

JURISDICTION

Extraordinary Writ jurisdiction is envoked under 28 USC § 1651 (Rule 20), because there exists exceptional circumstances that warrant the exercise of this Court's powers. Furthermore, federal law also requires judges to enforce the laws of this country or the Senate can impeach them.

U.S. CONSTITUTIONAL & LAWS PROVISIONS

In brief, the petitioner has been denied twenty (20) years of "DUE PROCESS" OF LAW.

STATEMENT OF CASE

In this 1984 state case, while suffering the "Battered Wife Syndrome," the petitioner was tried in the Court of Common Pleas of Allegheny County, the same court that married her, by a judge, not a jury, who tried her for 1ST degree homicide, however, convicted her of 3RD degree homicide and Carrying a firearm without a license, a verdict that was against the weight of the evidence.

In any event, the petitioner was still mysteriously sentenced to four times the amount of time (18 years) usually given others of such convictions (5 years), even after it was proven that the petitioner was a member in good standing in the community.

Although the petitioner has served all this time (18 years), Vey still wants to clear her name of these charges.

REASONS FOR GRANTING THE WRIT

Due to the EXTREME PREJUDICE against the petitioner these twenty years, it is impossible to receive a state unbiased or fair appellate judgment of the legalities of the trial court where the prosecution failed to prove their case beyond a reasonable doubt.

I. If the petitioner been at the alleged crime scene (bridge), she was deprived of many of the laws that were not repealed and not upheld:

A. The McNaughten rule evidence submitted by a trained medical expert that the petitioner did not know right from wrong, nor nature and quality of act, as she was suffering at time the "Battered Wife Syndrome," PTSD, or the Stockholm Syndrome.

B. The Justification Defense law (state), which evidence of "fearing for life" was submitted in court and acknowledge by previous PA Superior Court Judges; yet the unrepealed law was not upheld.

C. The U.S. Constitution's right to carry a gun and the 18 Pa SCA § 6101 "(b)" "Exception clause," which also was not repealed.

II. There was evidence that petitioner was not at the bridge and evidence withheld that created "reasonable doubt" of the petitioner's guilt.

A. Two street cleaners were not brought to court for testimony that they never admitted to seeing petitioner, where the vigilante and suspect himself claimed he was "pursuing" a woman.

B. A policeman's testimony of also not seeing petitioner in area, but stated they had someone uptown (at hotel). (denied testimony at trial)

C. There were witnesses who said there was another woman in area.

D. The vigilante and possible suspect himself claimed he was chasing in his car a woman on foot, who 1) ran faster than a car; 2) a woman street cleaners and policeman never saw in alleged area; 3) woman downtown at bridge being chased by vigilante, suddenly appeared uptown at hotel and arrested there.

E. How can a person outrun a car downtown and materialize uptown faster than a car without growing wings and flying and no one seeing her?

F. There was no gun powder on hand of petitioner, who submitted to a gun powder test.

CONCLUSION

WHEREFORE, due to the extreme conflicts in this case, which renders "reasonable doubt" that the petitioner is guilty, petitioner requests this Court order state officials to drop all charges against her and clear her name of this record.

Respectfully submitted,

Eileen Vey 5-16-05

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Criminal Division

Commonwealth of PA	)	
	)	
vs.	)	CC Nos. 198406363
	)	19846555
Eileen Vey	)	

ORDER

AND NOW, to-wit this 28TH DAY OF July, 2004 upon consideration of the Motion to Declare Vey Innocent and to Expunge Record filed by Eileen Vey, Pro Se, IT IS HEREBY ORDERED that said Motion is denied because said Eileen Vey is not eligible to have her criminal record expunged, 18 Pa. C.S.A. § 9122 (b)(i); Commonwealth v. Wolfe, 749 A.2d 507 (Pa. Super 2000).

BY THE COURT;

Raymond Novak, J.

CC: Eileen Vey
Office of the District Attorney

OPINION

NOVAK, J.

Eileen Vey was sentenced on June 15, 1985 to imprisonment of from 6-15 years for third degree murder, 18 Pa. CSA § 2502 © and a consecutive one to three years for a firearms violation, 18 Pa. CSA § 6106. since her sentencing Ms. Vey has been quite litigious having filed a number of PCRA and Habeas Corpus Petitions. All of these petitions were dismissed and Ms. Vey served her entire sentence of 18 years.

Most recently on July 6, 2004, Ms. Vey filed a Motion to Declare Vey Innocent and to Expunge Record. In this Motion M. Vey seeks to be declared innocent and to have her record expunged. As his Court has no jurisdiction to declare Ms. Vey innocent, no action was taken on this requested relief. On July 28, 2004 an order of Court was entered denying Ms. Vey's motion to expunge her record. It is from this Order that Ms. Vey filed an Amended Notice of Appeal in while she alleges all charges should be dropped against her.

Expungement requires attaining the age of 70 and being free of arrest or prosecution for ten years following final release from confinement. 18 Pa. CSA § 9122 (b)(1). In this case Ms. Vey is not 70 years old and she has not been released for more than ten years.

She is, therefore, not eligible to have her criminal record expunged, Commonwealth v. Wolfe, 749 A.2d 507 (Pa. Super 2000).

BY THE COURT:
Raymond Novak, J.